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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,006	12/20/2000	Barbara O. Sauer	KCC-14,083	7226

7590

04/19/2002

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EXAMINER

REICHLE, KARIN M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

091745006

Applicant(s)

Saver

Examiner

Reverle

Group Art Unit

3761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9-10-02 & 1-15-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 9-10-01 is/are approved ~~objected to by the Examiner~~.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-14, and now 18, are rejected under 35 U.S.C. 102(b) as being anticipated by Foreman '677.

See Figures 1 and 3, column 1, lines 55-60, column 3, lines 22-55, column 5, lines 61-68, column 7, lines 1-29, column 8, lines 42-63, column 9, lines 65 et seq., column 10, line 54- column 11, line 12, column 12, lines 21-42, column 13, lines 15-35, column 14, lines 58-62 and thus column 7, lines 31-39 of Buell, column 15, line 11 - column 16, line 25. With regard to claims 3 and 9, see cited portions supra discussing pleats, i.e. pleats disposed along pocket edge which is contractible and stretchable in the transverse direction of the diaper, i.e. pleats which are oriented in a longitudinal direction of the article. With regard to claim 18, it is noted that direct attachments of the edges to the liner is not required. Even if such were required, see column 6, lines 9-18, 21-25, and column 12, lines 24-28, i.e. cuff 262 underlies cuffs 62 and extends along entire end edge, i.e. ends 272 coextensive with periphery of diaper and seal extends along edges, i.e. opposed peripheral edges attached to liner.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreman in view of Igaue et al.

Applicants claim forming a multilayer material of rectangular configuration, removing portions, i.e. producing a hourglass configuration, and forming pleats in the flap sheet proximate the back region. The Foreman patent does not teach the rectangular configuration or removing

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portions, i.e. forming an hourglass configuration, steps. However, see column 3, line 60-column 4, line 12 and Figures 7-8 of Igaue et al. To employ a rectangular material which has a portion removed to create an hourglass shape as taught by Igaue et al on the Foreman device would have been obvious to one of ordinary skill in the art in view of the recognition that such would provide more efficient manufacture, i.e easier to align rolls of material and shape than align already shaped material, and the desirability of efficiency in manufacture of any article. In so doing, since the flaps are attached prior to be removing step, upon definition and identification of the portion of the material which is the rear portion, i.e. removing portions, attachment of tabs, steps, etc, the pleats in the flap sheet are necessarily "formed" in the region they are proximately attached to, i.e. the rear portion. The claims do not require pleating an unpleated flap sheet after removing the portions step.

Applicant's remarks have been carefully considered but are deemed nonpersuasive in that they are both narrower than the art, i.e. see portions cited supra, and the claim language, e.g. claim does not preclude lateral cuffs in addition.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Coles et al, Figures and PCT Pub date.

The Examiner's regular work schedule is Monday-Thursday.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The new grounds of rejection were necessitated by the addition of claim 18.

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617.

K. Reichle:bhw

April 6, 2002

K.M. Reichle
Karin M. Reichle
Patent Examiner

Aaron J. Lewis
Aaron J. Lewis
Primary Examiner